

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ERIC POIRIER,

Plaintiff,

v.

Case No. 07-C-67

PHIL KINGSTON, et al.,

Defendants.

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**ORDER**

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Plaintiff Poirier has filed another request related to his filing fees. This time, he wants the DOC to stop taking 40 percent of his deposits to pay his federal court filing fees. Although his reasoning is somewhat unclear, it seems that he believes the fact that the court of appeals recalled the mandate in his appeal means that he does not owe a second filing fee for his appeal. That is not true. This court denied leave to proceed on appeal *in forma pauperis*, and even if the court of appeals grants that relief the appellant will still have to pay the filing fee over time. In other words, with or without the mandate recall, and with or without success on his IFP petition in the court of appeals, the appellate filing fee is due in addition to the district court filing fee. *Newlin v. Helman*, 123 F.3d 429, 436 (7th Cir. 1997) (“A prisoner who files one suit remits 20 percent of income to his prison trust account; a suit and an appeal then must commit 40 percent.”) Accordingly, Poirier’s requests are **DENIED**.

**SO ORDERED** this 8th day of November, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge